

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Discovery Park Community Alliance and  
Elizabeth A. Campbell,

Petitioners,

vs.

City of Seattle, United States Army, and Seattle  
School District No. 1,

Respondents.

No. 2:19-cv-1105-JCC

JOINT STATUS REPORT

**A. Nature of the case.**

This case involves the Fort Lawton Army Reserve Center (“FLARC”), which is owned by the United States Army and located in Seattle. The Army is attempting to dispose of the FLARC under the Defense Base Closure and Realignment Act of 1990 and related federal regulations.

In June 2019, as part of the FLARC disposal process, the Seattle City Council passed: (1) a resolution approving a redevelopment plan to submit to the Army, part of which applies for surplus federal property; (2) an ordinance authorizing an agreement with Seattle School District No. 1 (known as Seattle Public Schools or “SPS”) through which SPS would seek 5–6 acres of

1 that land for athletic fields to be used jointly by SPS and the City; and (3) an ordinance rezoning  
2 a portion of the property.

3 To challenge those three City actions and to pursue its other claims and actions,  
4 Petitioners Discovery Park Community Alliance (“DPCA”) and Elizabeth A. Campbell filed this  
5 case in state court on June 28, 2019. Petitioners claim the City, Army, or SPS committed seven  
6 errors: five violations of federal regulations; one violation of City law; and one violation of state  
7 law. Petitioners pursue four alternative causes of action: under the Washington Land Use Petition  
8 Act; for a statutory writ; for a constitutional writ; or under the Washington Uniform Declaratory  
9 Judgments Act.

10 The City removed this case to this Court, which granted the City’s motion to join the  
11 Army and SPS as Respondents.

12 **B. Other related cases.**

13 The parties are aware of no related cases pending before this Court or in another  
14 jurisdiction.

15 **C. Status of named parties and their counsel.**

16 Two sets of counsel have appeared and withdrawn on behalf of DPCA and  
17 Ms. Campbell. *See* Dkt. #s 14 and 37.

18 No new counsel has appeared for DPCA.

19 Ms. Campbell appears *pro se*.

20 Counsel have appeared for the City and SPS.

21 No counsel has appeared for the Army.

**D. Additional Respondents.**

Ms. Campbell intends to seek joinder of four other parties as Respondents: (1) United States Department of Education; (2) National Parks Service; (3) Archdiocese of Seattle; and (4) United Indians of All Tribes Foundation. If she has not already sought that relief by the date of this Report, she intends to seek that relief by July 3, 2020.

The City and SPS intend to oppose joinder of those or other parties.

**E. Discovery.**

The City and SPS believe discovery is not appropriate because this is an action for review on an administrative record and any discovery deadline passed last year. *See* City's Notification of Exemption from the Requirements of FRCP 26(a) and 26(f) (Dkt. # 43); Order [on the City's motion to modify the initial scheduling order] (Dkt. # 31 at p. 3) ("The discovery deadline passed on November 4, 2019.")

Ms. Campbell believes she is entitled to discovery and that the original case schedule, including the discovery deadline, was struck.

**F. Motions practice.**

As discussed above, Ms. Campbell intends to file a motion to add other parties as Respondents.

The City and SPS intend to file several motions:

1. If DPCA and Ms. Campbell do not properly serve the Army and United States, the City and SPS will ask this Court to dismiss this case. The City and SPS intend to file that motion no later than July 9, 2020.

1           2.     If no counsel appears for DPCA, the City and SPS will seek dismissal of  
2                     DPCA. The City and SPS intend to file that motion (which may be  
3                     combined with the first motion) no later than July 9, 2020.

4           3.     The City and SPS intend to file a dispositive motion seeking dismissal of  
5                     this case as a matter of law. Depending on the status of other Respondents  
6                     who have not yet been joined or appeared, and on other actions beyond the  
7                     control of the City and SPS, they anticipate filing that motion between  
8                     August 13 and October 8, 2020.

9           **G.     Trial or hearing readiness.**

10           Ms. Campbell believes the case must be resolved on the basis of a fact-finding trial after  
11           discovery. She believes a trial would last five days and estimates this case would be ready for  
12           trial by September, 2021.

13           If any claims or causes of action remain after resolution of the City's and SPS's  
14           dispositive motion, and depending on which defenses and counter-arguments the court has not  
15           yet addressed, the City and SPS anticipate any remaining issues being resolved on the basis of a  
16           record the City produces after consultation with the other parties and pursuant to an agreed-upon  
17           schedule. The City and SPS believe the Court can resolve those issues on the basis of briefing  
18           without a hearing, but that any hearing would require no more than half a day and could be  
19           conducted no later than the middle of March 2021. The City and SPS believe this case does not  
20           merit a trial.

21           Ms. Campbell disagrees with the City's and SPS's assessments that they can dispose of  
22           the case through motions and that they need only produce an administrative record to support  
23           their positions in this matter.

**H. Settlement.**

The City and SPS do not intend to engage in alternative dispute resolution and see no genuine possibilities for promptly settling or otherwise resolving the case.

Ms. Campbell believes that the parties should avail themselves of any alternative dispute resolution opportunities, and that there are a few possibilities for this matter to be promptly settled.

DATED June 29, 2020.

ELIZABETH A. CAMPBELL

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**CERTIFICATE OF SERVICE**

I certify that on this day I electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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I also certify that on this day I sent a copy of this document via email to the same individuals.

Dated June 29, 2020, at Seattle, Washington.

/s/ Alicia Reise  
ALICIA REISE, Legal Assistant